

109TH CONGRESS  
1ST SESSION

# S. 325

To amend title 23, United States Code, to establish programs to facilitate international and interstate trade.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2005

Mr. LEVIN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to establish programs to facilitate international and interstate trade.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Highway Bor-  
5       ders Act of 2005”.

6       **SEC. 2. COORDINATED BORDER INFRASTRUCTURE PRO-**  
7       **GRAM.**

8       Subchapter I of chapter 1 of title 23, United States  
9       Code, is amended by adding at the end the following:

1 **“§ 165. Coordinated border infrastructure program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) BORDER REGION.—The term ‘border re-  
4 gion’ means the portion of a border State that is lo-  
5 cated within 100 kilometers of a land border cross-  
6 ing with Canada or Mexico.

7 “(2) BORDER STATE.—The term ‘border State’  
8 means any State that has a boundary in common  
9 with Canada or Mexico.

10 “(3) COMMERCIAL VEHICLE.—The term ‘com-  
11 mercial vehicle’ means a vehicle that is used for the  
12 primary purpose of transporting cargo in inter-  
13 national or interstate commercial trade.

14 “(4) PASSENGER VEHICLE.—The term ‘pas-  
15 senger vehicle’ means a vehicle that is used for the  
16 primary purpose of transporting individuals.

17 “(b) PROGRAM.—The Secretary shall establish and  
18 implement a coordinated border infrastructure program  
19 under which the Secretary shall make allocations to border  
20 States for projects within a border region to improve the  
21 safe movement of people and goods at or across the border  
22 between the United States and Canada and the border be-  
23 tween the United States and Mexico.

24 “(c) ELIGIBLE USES.—Allocations to States under  
25 this section may only be used in a border region for—

1           “(1) improvements to transportation and sup-  
 2           porting infrastructure that facilitate cross-border ve-  
 3           hicle and cargo movements;

4           “(2) construction of highways and related safe-  
 5           ty and safety enforcement facilities that will facili-  
 6           tate vehicle and cargo movements relating to inter-  
 7           national trade;

8           “(3) operational improvements, including im-  
 9           provements relating to electronic data interchange  
 10          and use of telecommunications, to expedite cross-  
 11          border vehicle and cargo movement;

12          “(4) international coordination of planning,  
 13          programming, and border operation with Canada  
 14          and Mexico relating to expediting cross-border vehi-  
 15          cle and cargo movements;

16          “(5) projects in Canada or Mexico proposed by  
 17          1 or more border States that directly and predomi-  
 18          nantly facilitate cross-border vehicle and commercial  
 19          cargo movements at the international gateways or  
 20          ports of entry into a border region; and

21          “(6) planning and environmental studies.

22          “(d) ALLOCATIONS OF FUNDS.—

23          “(1) IN GENERAL.—For each fiscal year, the  
 24          Secretary shall allocate among border States, in ac-  
 25          cordance with the formula described in paragraph

1       (2), funds to be used in accordance with subsection  
2       (c).

3               “(2) FORMULA.—Subject to paragraph (3), the  
4       amount allocated to a border State under this para-  
5       graph shall be determined by the Secretary, as fol-  
6       lows:

7               “(A) 25 percent in the ratio that—

8                       “(i) the average annual weight of all  
9                       cargo entering the border State by com-  
10                      mercial vehicle across the international  
11                      border with Canada or Mexico, as the case  
12                      may be; bears to

13                     “(ii) the average annual weight of all  
14                     cargo entering all border States by com-  
15                     mercial vehicle across the international  
16                     borders with Canada and Mexico.

17               “(B) 25 percent in the ratio that—

18                     “(i) the average trade value of all  
19                     cargo imported into the border State and  
20                     all cargo exported from the border State  
21                     by commercial vehicle across the inter-  
22                     national border with Canada or Mexico, as  
23                     the case may be; bears to

24                     “(ii) the average trade value of all  
25                     cargo imported into all border States and

1 all cargo exported from all border States  
2 by commercial vehicle across the inter-  
3 national borders with Canada and Mexico.

4 “(C) 25 percent in the ratio that—

5 “(i) the number of commercial vehi-  
6 cles annually entering the border State  
7 across the international border with Can-  
8 ada or Mexico, as the case may be; bears  
9 to

10 “(ii) the number of all commercial ve-  
11 hicles annually entering all border States  
12 across the international borders with Can-  
13 ada and Mexico.

14 “(D) 25 percent in the ratio that—

15 “(i) the number of passenger vehicles  
16 annually entering the border State across  
17 the international border with Canada or  
18 Mexico, as the case may be; bears to

19 “(ii) the number of all passenger vehi-  
20 cles annually entering all border States  
21 across the international borders with Can-  
22 ada and Mexico.

23 “(3) DATA SOURCE.—

24 “(A) IN GENERAL.—The data used by the  
25 Secretary in making allocations under this sub-

1 section shall be based on the Bureau of Trans-  
 2 portation Statistics Transborder Surface  
 3 Freight Dataset (or other similar database).

4 “(B) BASIS OF CALCULATION.—All for-  
 5 mula calculations shall be made using the aver-  
 6 age values for the most recent 5-year period for  
 7 which data are available.

8 “(4) MINIMUM ALLOCATION.—Notwithstanding  
 9 paragraph (2), for each fiscal year, each border  
 10 State shall receive at least  $\frac{1}{2}$  of 1 percent of the  
 11 funds made available for allocation under this para-  
 12 graph for the fiscal year.

13 “(e) COST SHARING.—The Federal share of the cost  
 14 of a project carried out using funds allocated under this  
 15 section shall not exceed 80 percent.

16 “(f) TRANSFER OF FUNDS TO THE ADMINISTRATOR  
 17 OF GENERAL SERVICES.—

18 “(1) IN GENERAL.—At the request of a State,  
 19 funds allocated to the State under this section shall  
 20 be transferred to the Administrator of General Serv-  
 21 ices for the purpose of funding a project under the  
 22 administrative jurisdiction of the Administrator in a  
 23 border State if the Secretary determines, after con-  
 24 sultation with the State transportation department,  
 25 as appropriate, that—

1           “(A) the Administrator should carry out  
2           the project; and

3           “(B) the Administrator agrees to use the  
4           funds to carry out the project.

5           “(2) NO AUGMENTATION OF APPROPRIA-  
6           TIONS.—Funds transferred under paragraph (1)  
7           shall not be considered to be an augmentation of the  
8           amount of appropriations made to the General Serv-  
9           ices Administration.

10          “(3) ADMINISTRATION.—Funds transferred  
11          under paragraph (1) shall be administered in accord-  
12          ance with the procedures applicable to the General  
13          Services Administration, except that the funds shall  
14          be available for obligation in the same manner as  
15          other funds apportioned under this chapter.

16          “(4) TRANSFER OF OBLIGATION AUTHORITY.—  
17          Obligation authority shall be transferred to the Ad-  
18          ministrator of General Services in the same manner  
19          and amount as funds are transferred for a project  
20          under paragraph (1).

21          “(g) FUNDING.—

22          “(1) AUTHORIZATION OF APPROPRIATIONS.—  
23          There is authorized to be appropriated from the  
24          Highway Trust Fund (other than the Mass Transit

1 Account) to carry out this section \$200,000,000 for  
 2 each of fiscal years 2006 through 2011.

3 “(2) OBLIGATION AUTHORITY.—Funds made  
 4 available to carry out this section shall be available  
 5 for obligation as if the funds were apportioned in ac-  
 6 cordance with section 104.

7 “(3) EXCLUSION FROM CALCULATION OF MIN-  
 8 IMUM GUARANTEE.—The Secretary shall calculate  
 9 the amounts to be allocated among the States under  
 10 section 105 without regard to amounts made avail-  
 11 able to the States under this subsection.”.

12 **SEC. 3. CONFORMING AMENDMENTS.**

13 (a) Section 1101(a) of the Transportation Equity Act  
 14 for the 21st Century (112 Stat. 111) is amended by strik-  
 15 ing paragraph (9) and inserting the following:

16 “(9) COORDINATED BORDER INFRASTRUCTURE  
 17 PROGRAM.—For the coordinated border infrastruc-  
 18 ture program under section 165 of title 23, United  
 19 States Code, \$200,000,000 for each of fiscal years  
 20 2006 through 2011.”.

21 (b) Sections 1118 and 1119 of the Transportation  
 22 Equity Act for the 21st Century (112 Stat. 161) are re-  
 23 pealed.

- 1       (c) The analysis for subchapter I of chapter 1 of title
- 2 23, United States Code, is amended by inserting after the
- 3 item relating to section 164 the following:

“165. Coordinated border infrastructure program.”.

